



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
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OFFICE OF THE PLANNING BOARD

WEDNESDAY — FEBRUARY 22, 2006 - 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED: FEBRUARY 8, 2006

PUBLIC HEARINGS:

- 1. CUMBERLAND FARMS (05-25) RT. 94 & CAESAR'S LANE (OLSEN)**
Proposed renovation and expansion of existing Retail and Gas Pumps
- 2. WINDSOR GATE PLAZA EXPANSION (CIANCIO) (05-29) RT. 94 (TACONIC)**
Combining 3 lots and constructing an addition to existing commercial building.

REGULAR ITEMS:

- 3. 339 BLOOMING GROVE TPK (MICHELLE WINCHESTER-VEGA) (05-33) (COPPOLA)** Additional parking to accommodate proposed addition to existing Doctor's Office.
- 4. MIDDLE EARTH SUBDIVISION (03-22) STATION ROAD (CLEARWATER)**
Proposed 26-lot residential subdivision.
- 5. SHADOW FAX RUN SUBDIVISION (03-23) JACKSON AVENUE (CLEARWATER)** Proposed 22-lot residential subdivision
- 6. GONCALVES/NORSEWOOD PROPERTIES LOT LINE CHANGE (06-06) TOLEMAN ROAD** Proposed residential lot line change.

DISCUSSION:

- 7. RPA ASSOCIATES – CLUBHOUSE & POOL AREA STATUS**

ADJOURNMENT

(NEXT MEETING – MARCH 8, 2006)



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February 22, 2006

1

TOWN OF NEW WINDSOR

PLANNING BOARD

FEBRUARY 22, 2006

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HENRY VAN LEEUWEN
HOWARD BROWN
JOSEPH MINUTA

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

MYRA MASON
PLANNING BOARD SECRETARY

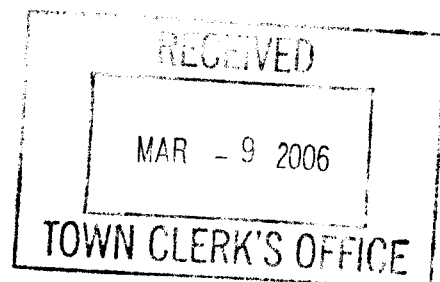
ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: DANIEL GALLAGHER

REGULAR MEETING

MR. ARGENIO: I'd like to call to order the February
22, 2006 meeting of the New Windsor Planning Board.
Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was
recited.)



February 22, 2006

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APPROVAL_OF_MINUTES_DATED_FEBRUARY_8,_2006

MR. ARGENIO: I'll accept a motion to approve the minutes as written dated February 8, 2006.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board accept the minutes dated February 8, 2006 as written. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Again I want to say this again for Mark and Andy's benefit, this is my second meeting I'm running, if I misspeak on a procedural issue, please speak up and interrupt me.

PUBLIC_HEARINGS:

CUMBERLAND_FARMS_(05-25)

MR. ARGENIO: First on the agenda we have Cumberland Farms site plan amendment, reconstruction of the existing site on New York State Route 94 and Caesar's Lane. The applicant proposes full demolition of the building and site and reconstruction of the facility with a 3,600 square foot convenient store with gas dispensers. The plan was previously reviewed at the 27 July, 2005 planning board meeting and was referred to the ZBA at that time. The applicant is before this board for a public hearing at this meeting. Somebody here to represent this?

MR. OLSON: Good evening, Mr. Chairman, my name is Richard Olson with the law firm of McCabe & Mack, Mr. Rob Spivak (phonetic) is the design engineer from Bohler Engineering and Mr. Don Vanderfine (phonetic) is the regional manager.

MR. ARGENIO: Tell us what you're doing there but I want to hear about how you played out at the zoning board.

MR. OLSON: As you already said we're here for a total redesign of this site. We're here this evening for a site plan and a special permit hearing. Currently, Cumberland Farms has an existing non-conforming use on the site which is a convenience gasoline station, there's a small block building and two pumps that sit right on Route 94. The proposal is to raze the entire site to set the building back with 3,600 square foot convenient store to add six gas pumps to the site setting them back.

MR. ARGENIO: How high are you raising the site?

MR. OLSON: Raze, R-A-Z-E, remove everything on the

site, set the gas pumps back to the required setback from Route 94 moving the entrance which was the original suggestion of your engineer on Caesar's Lane back towards the rear of the property. The property does benefit from a substantial tree line at the rear of the property, a lot of which is not on our property, still a substantial amount of trees that will be maintained on the property going to improve landscaping, architectural improvements and basically it's a total rebuild of the site. On October 24, we were before the zoning board, we did obtain the variance for the enlargement of the non-conforming use based upon the plan. The only requirement that that board set at that time was that we add a security fence around the property because of concerns raised by some of the adjoining property owners about access through the site, garbage strewn over on their property so that has been added to this plan. That's really the major change that has been put on it since the last time this board saw it.

MR. ARGENIO: Okay, folks, this is a public hearing and we're going to accept comments from the public but we're not going to accept it now, we're going to open it up to the board for discussion amongst the board members and then we'll open it up to the public. I see we have not taken lead agency under the SEQRA process and I'll accept a motion to that effect right now.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Yes, second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board take lead agency under the SEQRA process. If there's no further discussion from the board members, I'll have a roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. VAN LEEUWEN AYE
MR. MINUTA AYE
MR. ARGENIO AYE

MR. ARGENIO: Please note for the record that Mr. Minuta has joined us. I have a couple of things, you said enlargement to the non-conformance, what did you mean by that?

MR. OLSON: That's a non-conforming use in your PI district, i.e., it's not a permitted use, your code does permit us to enlarge the size of the use, there was a 1,600 square foot store, we're going to a 3,600 square foot store, I believe calculated 127 percent increase that was granted by your ZBA.

MR. ARGENIO: So it was a coverage variance that you were looking for?

MR. OLSON: Well, a use variance between the size of the building, the additional canopy, the current store is a very small block building sitting approximately in this area in the front and the two pumps sit directly on the front property line.

MR. ARGENIO: That's the only variance that you went there that you sought from them?

MR. OLSON: That was the only variance we were required under your codes, it was the fact in increasing the size the setbacks were established by the plan that we presented along with the increase size to the property.

MR. ARGENIO: Tell me what you're doing with the curb cuts.

MR. OLSON: The curb cut that exists on the site sits

closer to Route 94, in the initial review with the engineer, it was suggested that this be moved further back for safety reasons, it has been moved back down further on Ceasar's for better access. The curb cuts on 94 are being left as they are.

MR. ARGENIO: Do we have any issue with the DOT with that, Mark?

MR. EDSALL: No.

MR. ARGENIO: He's eliminating that one that's probably problematic that's close to 94 and in lieu of something down on Caesar's Lane.

MR. EDSALL: Well, it's on Caesar's Lane, it's just nearer to the state intersection, we've had guidance from the DOT on every application where we could move the curb cuts further away from intersections.

MR. ARGENIO: Anthony is not going to take any exception with this?

MR. EDSALL: I've spoken to him about it, my understanding is he's going to issue a memo accepting the change, he had a question on drainage which I'm going to follow up with on the, with the applicant, but he had no problem with the curb cut.

MR. ARGENIO: And the two entrances that are on 94 are they going to remain where they are today?

MR. OLSON: Yes, these are the existing curb cuts, we don't propose any changes.

MR. ARGENIO: Going to replace the physical curb there?

MR. OLSON: I don't believe there's any work.

MR. VAN LEEUWEN: Says here to remain.

MR. OLSON: We don't propose any work on the New York State route.

MR. VAN LEEUWEN: You're not proposing any work on the curb cuts?

MR. OLSON: No.

MR. VAN LEEUWEN: Not talking about the curb cut but on the state right-of-way?

MR. OLSON: No.

MR. VAN LEEUWEN: Is there a sidewalk in that area?

MR. BABCOCK: No.

MR. OLSON: No, there's no sidewalk.

MR. ARGENIO: Mark, going north or south of the site you don't have any sidewalk there, do we?

MR. EDSALL: I don't believe in that area there's sidewalks at all.

MR. ARGENIO: What's the apartment complex across from the old skating rink?

MR. BABCOCK: Sycamore.

MR. EDSALL: Just a split rail fence in front.

MR. VAN LEEUWEN: They have a sidewalk that runs next to the building, that's about it in that entire area.

MR. SCHLESINGER: Do you show a dumpster area?

MR. OLSON: The dumpster enclosure is right here.

MR. OLSON: Which I believe you'll see on the detail, it's a continuation on the block from the building.

MR. SCHLESINGER: Okay, I see it.

MR. ARGENIO: The enclosure.

MR. SCHLESINGER: Access is--

MR. ARGENIO: Neil, I missed part of that, is that a blocked structure?

MR. OLSON: You'll see on the detail this is block, it's continuing to go off the building.

MR. MINUTA: Building's brick?

MR. OLSON: Yes.

MR. MINUTA: So it's not the same.

MR. OLSON: Well, do you have the detail on that?

MR. SPIVAK: We're going to carry split face block.

MR. MINUTA: From the rear exterior?

MR. SPIVAK: That's correct.

MR. ARGENIO: Okay, the board members continue to look at your plans, we'll have another opportunity to comment on this. On the 8th day of February, 2006, 48 addressed envelopes went out containing the notice of public hearing for this site. At this time, if there's anybody in the audience who'd like to speak?

MR. EDSALL: Mr. Chairman, just comment 2, just look at that.

MR. ARGENIO: Right, I'd like to read Mark's comment

because I want to read this into the minutes, this public hearing is a site plan public hearing and is also for a special permit type use in the PO zone with the understanding that the existing use is a non-conforming, pre-existing use in the zone and that information was contained in the public hearing notice. Neil, you have something?

MR. SCHLESINGER: I'm just asking your opinion there seems to be an abnormal amount of bullets here as far as Mark is concerned.

MR. ARGENIO: There's quite a few bullets.

MR. SCHLESINGER: Do you think that that's appropriate to have a public hearing based upon those?

MR. ARGENIO: Well, in my opinion, I've read through the bullets and there's things here Neil like lighting, the type of light fixture which typically Mark would work out with Mike, there's some notes that need to be included on the plans which again Mark will see to those details in the final analysis, but as far as the public is concerned, that snapshot that they're showing us right now that's what they want to build so yes, unlike other applications, i.e. Shadow Fax I think that's what you're referring to, this is in substantial conformance to what they want to build.

MR. OLSON: We just received this tonight, our engineer looked at it, has no disagreement.

MR. EDSALL: There's nothing and again the reason why the list is coming at this point is that they went to the ZBA and normally when they come in for a public hearing I will have given them all the comments but because they went to the Zoning Board first they didn't have that opportunity, none of these as you're calling them bullets, comments, are such that will substantially change the plan.

MR. ARGENIO: I agree with that so having said what we said if there's anybody in the audience that would like to speak for or against this application, please raise your hand, be recognized by the Chair and you can come up and make your comments. Inasmuch as there is no show of hands, I'll accept a motion that we close the public hearing for the Cumberland Farms site plan at this.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded to close the Cumberland Farms plan public hearing. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. ARGENIO: At this point in time, I would like to open this back up to the board members and there's some bullets here, certainly there's some comments and there's some work for the applicant's engineer to work through, if there's any further discussion, if anybody has anymore comments or would like to, has anymore questions for these folks, now's the time to ask.

MR. VAN LEEUWEN: I'd like to look at the, you're going to build a set of block?

MR. OLSON: It's a split face block.

MR. VAN LEEUWEN: The dumpster enclosure I'd like to see the dumpster enclosure be the same thing as the rest of the building.

MR. OLSON: Yes, that's proposed on sheet 13, I believe the details show it to be an extension of the split faced block.

MR. SPIVAK: Well, it's going to be a split faced block, the building is brick is that what you're referring to?

MR. VAN LEEUWEN: If the building is brick I'd like to see that brick too, I want it to match, that's only my saying, that's not the rest of the board.

MR. ARGENIO: Do you have a problem with that? I don't have a problem. Typically we look for them to match.

MR. MINUTA: I don't disagree with that but the back of the building is block which is a continuation of that really what they're going to see.

MR. VAN LEEUWEN: The side that you see from the road have it match the building.

MR. ARGENIO: Front and side would be a good idea if you can put a brick facade on it.

MR. MINUTA: Real question comes to the fencing out in front for the gate.

MR. SPIVAK: Up in front here we're going to have the front two which is basically a slatted chain link fence for the gates, immediately adjacent to this as there's no natural gas service we have an enclosure there also for the propane tanks.

MR. ARGENIO: Message to you guys those enclosures should be in kind with the building, yes?

MR. VAN LEEUWEN: Yes, absolutely.

MR. MINUTA: Yes, yes.

MR. ARGENIO: We left on SEQRA on this application yet I think this is a minor impact, if any of the board members agree with me, I'll accept a motion for a negative dec under the SEQRA process.

MR. MINUTA: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare a negative declaration under the SEQRA process. If there's no further discussion from the board members, I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. SCHLESINGER: I have another question, with the propane tanks, there must be some sort of code that there's going to be activity as far as the garbage and the trucks coming in, I'm sure some sort of code as far as bollards.

MR. SPIVAK: Yeah, Mr. Edsall noted there on the location and final design of this is subject to Town fire inspector's approval of that and we'll provide that.

MR. VAN LEEUWEN: What's the material you're going to

use for the back fence?

MR. SPIVAK: Right now there's a detail on sheet 13 proposed to be just wood stockade fence.

MR. ARGENIO: Neil, I should of mentioned it, we do have fire approval on this from the fire inspector on February 9, I should of mentioned that.

MR. SCHLESINGER: I'm sure there's a code there and although it's not shown on the plan, I'm sure that--

MR. EDSALL: We should have bollards on the outboard side of those tanks so we'll have them add that.

MR. MINUTA: Propane tanks in that position is not really the best location for them, I mean, gives a lot of hazard even with bollards. Can they be relocated to another area on the other side of the building?

MR. ARGENIO: Joe, to give you just a thought on this, and just my thought, obviously, I don't, we don't, I think it's in the best interest of everybody to not have them commingle with garbage trucks, but in my opinion I think that those appurtenances be they propane tanks or garbage enclosures I think that they should be centrally located in one area on the site and not scattered about on the site. That's only my opinion.

MR. MINUTA: Agreed.

MR. ARGENIO: That's been my experience in the past.

MR. MINUTA: There would be access, I'm just speaking out loud, this is not necessarily a decision, but if we have the propane tanks to the other side of the building you still have access to them and you have a lot less vehicular traffic, especially large vehicles in the area in case of emergency.

MR. SPIVAK: We can consider that to the chairman's point that was the intent to keep everything central, we've got a striped loading zone.

MR. ARGENIO: I kind of prefer that, I mean, I'm not saying I think you're wrong but I kind of prefer that stuff centrally located and you've got the fence there, maybe if you want additional fence or something up that one property line, I don't think that would be the end of the world but I'd like to see that stuff centrally located.

MR. SCHLESINGER: It was approved by the fire and whatever safety precautions should be in place will be in place.

MR. EDSALL: I'm assuming that the masonry enclosure for the dumpster would just have another bay for the propane so it's going to be enclosed within masonry.

MR. SPIVAK: That's correct.

MR. ARGENIO: Okay, Mark, have I missed anything else on this application?

MR. EDSALL: No, just so the record is clear, it has been sent over to the County Planning Department so we need for that time period to expire so we can have the applicant do some work on the plans to correct these minor items I've listed and hopefully we'll have an answer back from the county and we can move forward.

MR. ARGENIO: Andy, have I missed anything?

MR. KRIEGER: No, I don't think you missed anything.

MR. ARGENIO: What else? I don't know how far we can go, there's quite a few bullets, you have a little bit of work to do, certainly it seems you're over the hump

but you have some things to do here.

MR. OLSON: Engineer's indicated they'll be able to address the items that Mr. Edsall's come up with.

MR. ARGENIO: Get with Mark, he's on top of his game and he'll review it with you.

MR. OLSON: We'd like to be back at the next meeting.

MR. ARGENIO: We have to wait to hear from the county.

MR. EDSALL: If not it will be the next meeting or following meeting, they have 30 days and I'm not quite sure what date it was out but Myra, did this go out at a joint referral for the ZBA or go out individually?

MS. MASON: I don't know, I'd have to check.

MR. EDSALL: We'll check on that and let you know.

MR. OLSON: So we'd be able to get on the next available meeting once county referral comes in?

MR. EDSALL: Exactly.

MR. ARGENIO: Thank you.

WINDSOR_GATE_PLAZA_EXPANSION_(CIANCIO)_(05-29)

Mr. Charles Brown appeared before the board for this proposal.

MR. ARGENIO: I believe it's on the, you head out towards 94 underneath the Thruway comes up on your right, is it passed the Thruway or before?

MR. EDSALL: It's on the other side of the Thruway.

MR. ARGENIO: This application proposes 9,800 square feet to the existing 7,544 square foot two story commercial building on lot 18.1. As part of the application, the three lots are being brought together combined as it were. The plan was previously reviewed at the 14 September, 2005, and 14, it was reviewed at a few meetings between September and October, there's a little bungle here in the dates but that's okay, the application is before the board for a public hearing at this meeting. If you will address the board, we've seen this a couple times at least, you can address the board briefly then we'll open it up to the public.

MR. EDSALL: The second date was the 30th of November.

MR. ARGENIO: So we saw it on 14th of September and 30th of November.

MR. MINUTA: For the record, I'm familiar with the owner as the applicant and in no way affects my judgment on this project.

MR. ARGENIO: Okay.

MR. BROWN: As stated in the notice this is three lots under common ownership, lot one that currently has the Windsor Gate Plaza approximately 2/3 of an acre, the other two lots out in front contains two residences which will be demolished, all three lots will be

combined, it's actually 8,773 square foot addition will be added to the Windsor Gate Plaza two stores and the parking has been increased to accommodate that, we have also provided a 30 foot access around the existing building for the fire department.

MR. ARGENIO: That was an issue at one of the meetings, wasn't it, if I remember correctly?

MR. BROWN: Right, we had to reconfigure the parking to get the 30 foot around the existing building.

MR. ARGENIO: Are you still in conformance with the quantity of stalls?

MR. BROWN: Yes. That's about it, existing 7,544 square foot two story building.

MR. ARGENIO: We've seen this a couple times. Does anybody have anything on this? Neil?

MR. VAN LEEUWEN: I'm glad to see those houses coming down.

MR. ARGENIO: Would you move that so Mr. Brown can see it, it's difficult?

MR. VAN LEEUWEN: Who is the present owner of the property now?

MR. BROWN: It's Ciancio.

MR. ARGENIO: Who's the young woman who's Ciancio? She's the daycare lady over in Ducktown.

MR. BABCOCK: Yes.

MR. ARGENIO: Anybody have anything?

MR. VAN LEEUWEN: It's an improvement.

MR. ARGENIO: On the 8th day of February 2006, 14 addressed envelopes containing the public hearing notice pertinent to this application went out. At this point in time, if there's anybody in the audience who wants to speak for or against the Windsor Gate Plaza site amendment please raise your hand and be recognized by the Chair and you'll be afforded the opportunity to speak. Insomuch as there's no hands, I'll accept a motion we close the public hearing on Windsor Gate Plaza.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we close the public hearing on Windsor Gate Plaza site plan amendment, Vails Gate, Route 94. If there's no further discussion from the board members, I'll accept a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. ARGENIO: At this time, I will open it back up to the members for comment or any other questions that they have. What about your dumpster enclosure, you just heard this banter we had with the prior applicant about the dumpster enclosure, I'm sure you must be thinking about that.

MR. BROWN: We show it on sheet 6 as a three sided architectural block but I can note that it will be in conformance with the architectural style of the

building.

MR. ARGENIO: Mark, the comment here says the enclosure is chain link fence.

MR. EDSALL: Well, the whole front is all chain link.

MR. BROWN: Front actually faces this way so it won't be very visible.

MR. EDSALL: Twenty-eight foot of chain link fence in the front.

MR. BROWN: It's wide, yeah, we can put returns on it.

MR. EDSALL: Well, the return in the middle section should be--

MR. BROWN: Okay, that's fine.

MR. EDSALL: We have it not just for aesthetics, we've had a terrific amount of stability problems where the chain link doesn't hold up, it becomes in disrepair.

MR. VAN LEEUWEN: Even with block.

MR. EDSALL: That's why it's good to have block and have a bollard in front so when it's four in the morning and the garbage truck shows up.

MR. ARGENIO: Show bollards, you don't need a dozen of them, but the idea is to keep the garbage truck from hitting it, make due note. I built a job in the Town of Newburgh and we installed 16 dumpster enclosures and after the dumpster enclosures were constructed and built, guess what, the owner and the architect and the engineer found out the dumpsters don't fit in the enclosures. So due diligence.

MR. EDSALL: I'm sure you built them per plan.

MR. ARGENIO: We did, they eliminated the gates and the dumpsters stick out of the dumpster enclosures, which is a shotty way of doing things.

MR. BROWN: We have actually talked to the garbage service people and this is very--

MR. BABCOCK: This thing is 28 feet long, I even question why do you have two, two different buildings.

MR. BROWN: Just one, the other one's being removed.

MR. BABCOCK: You've got two 6 foot gates so you've got two different areas.

MR. BROWN: Right, no, inside it will all be open, but I like Mark's comment, we'll put where the two pairs of gates come together we'll put block for stability.

MR. EDSALL: He's asking do you need this big of an enclosure?

MR. BROWN: Well, depends on what the tenants, what type of tenants they have in it so we have pretty much left it.

MR. BABCOCK: You're right, if you get--

MR. ARGENIO: A big generator.

MR. BABCOCK: Exactly.

MR. BROWN: With the recycling you need the two, you end up with more units just for the recycling.

MR. ARGENIO: Neil's comment was a little bit bigger is better than a little bit too small.

MR. EDSALL: That's true.

MR. ARGENIO: We have fire approval on 2/10, we have highway approval on 2/10, we also need to take action under SEQRA and again as was the case with the previous application, I believe that the board can consider declaring, taking a negative dec on this, under the SEQRA process. If somebody agrees, I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec on Windsor Gate Plaza site plan amendment in Vails Gate. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. ARGENIO: This applicant has been referred to Orange County Planning, we've got a response from them, local determination is what they say, we've taken lead agency, Henry, go ahead, you had a question?

MR. VAN LEEUWEN: I know who built that building.

MR. ARGENIO: Who built it?

MR. VAN LEEUWEN: Vince.

MR. BROWN: He didn't follow the plans either.

MR. ARGENIO: Certainly I agree with Mr. Van Leeuwen that area could certainly use a face lift.

MR. VAN LEEUWEN: I'd like to see some brick on the front, both, the building looks terrible, it's not a bad looking building but--

MR. BROWN: There's a combination of cultured stone and different types of siding but they definitely want to dress it up.

MR. ARGENIO: I have a question and again this is probably by Mark the pavement detail on sheet 6 implies all pavement will be removed and replaced with all new pavement, is that intended or not intended?

MR. BROWN: No, it's not intended, it will all be overlaid or where required for the drainage work and adjustment in the grading that will be repaved but most of the existing pavement will be overlaid.

MR. EDSALL: Maybe what you could do is give us a detail that indicates that you're going to take all the non-paved areas or areas that are in failure and show us what you're going to put in for a pavement structure there and just indicate that it all will be overlaid so you have a new finish surface. I'm sure that will save them a lot of money because I looked at the plans, I didn't see a reason why you wanted to rip everything out.

MR. ARGENIO: I see Andy and Mark we've taken care of a lot of procedural stuff is behind us on this application, we've seen it a few times, Mark, these other bullets that are left over here, how, what's your opinion on these things?

MR. EDSALL: There's only one other one I'd like to discuss is the top of the second page of the comments I wanted to see if they would agree that the double row

of parking on the east side right now has offset parking that tends to be a hazard, people sideswipe each other, if you can make that aligned you can get another parking space in the rear.

MR. BROWN: I'll do that, I agree with you.

MR. EDSALL: Other than that, Mr. Chairman, the rest of the comments are very minor and could be just corrections on the final plan.

MR. SCHLESINGER: What about the handicapped spot moving one over for the existing building?

MR. BROWN: We can do that, I can put, I can actually put this pair here over by the existing building and that would have no affect on the count.

MR. EDSALL: You'd lose a space because you have to provide another crosshatched area over there.

MR. BROWN: Well, I'd have three there instead of the two and two there instead of three.

MR. MINUTA: Same amount of spaces.

MR. BROWN: One more spot on the north.

MR. ARGENIO: Mark, what do you think of that?

MR. EDSALL: No, he's correct.

MR. ARGENIO: I think that's a good idea.

MR. EDSALL: Good suggestion.

MR. ARGENIO: I think it's too kind of spreads that out. Good job, Neil, glad you came tonight. So, Mark, you feel that these comments are minor in nature then?

MR. EDSALL: Yes.

MR. ARGENIO: So if I were to be on the comment sheet the subject-tos would be, Mark, help me with this.

MR. EDSALL: Mr. Chairman, the building inspector's pointed out the two things that need to be added on the final plan are the location of the fire department connection which the architect can provide and just depict, make sure that the fire line for the sprinklers is depicted on the plan.

MR. ARGENIO: We have fire approval without that location being indicated?

MR. EDSALL: That's likely because of some changes with the fire inspector's review so rather than have them ask for it after the fact we'll let them know now.

MR. BABCOCK: I want the fire department connection on all the plans so we know where the fire lane's going to go because when they send you a letter saying they want a fire lane for the building, where would that be, does it go all the way around? So the fire department connection will tell you that's where they've got to get to, that will tell you where the fire lane's got to be.

MR. ARGENIO: Well--

MR. BABCOCK: That's a minor addition to the plan.

MR. ARGENIO: Where is the fire lane going to be?

MR. BABCOCK: Right now they've got it on the side, they don't have it in the front, I guess they do, you have to come in the front of the building.

MR. BROWN: We provided 30 foot all the way around with the section of--

MR. BABCOCK: If you go left it's only 28 feet so I would assume they want to pull through and then they've got 30 feet behind.

MR. BROWN: Thirty foot radius, I did check the turning templates on fire trucks for that right there, I can't do anything about that because that's the Town's sewer pump station right there.

MR. BROWN: We can make it subject to the building permit because I'm not doing the plans for this particular building.

MR. EDSALL: They have already approved it, we're just asking for these two items to be added consistent with current policy. I'm sure before you get the C.O. if they want fire lane signs put up they'll tell you.

MR. ARGENIO: What else was there Mike or Mark?

MR. EDSALL: That was it, everything else is very minor where they're going to add bollards in the area and modify the dumpster enclosure, they're going to move the handicapped space, change the parking, change the pavement detail, the bond estimate.

MR. VAN LEEUWEN: Are you going to put an elevator in this to get to the second floor?

MR. BROWN: There's already an elevator in the existing building in the rear and the existing building has an elevator.

MR. M INUTA: It will be required by code anyway.

MR. BROWN: Building permit wouldn't be issued without compliance with the building codes but anyway that elevator will service both buildings and another elevator would be provided in the new building.

MR. ARGENIO: Okay, if nobody has anything else, I'll accept a motion for final approval subject to what I'll read into the minutes in a minute.

MR. VAN LEEUWEN: I so move, Mr. Chairman.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board grant Windsor Gate Plaza site plan amendment final approval subject to the following, Mark, please follow me on this, Mark's bullets containing number 1, the proposed lot number 1 on sheet 1 should be removed, another note on sheet 1, I'm not going to read them, the bullets are here, just they're minor in nature, subject to Mark's comments and subject to this thing with Mike and the fire department getting together and locating that fire department connection and as I said before in the minutes we already do have approval by the fire department so Mike you guys are tying that down, should be pretty minor, you need to straighten out the pavement detail and we're going to need a bond estimate. You'll get with Mark on that?

MR. BROWN: Yes, on the relocation on the--yes.

MR. ARGENIO: No further discussion, I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

REGULAR_ITEMS:

339_BLOOMING_GROVE_TURNPIKE_(MICHELLE_WINCHESTER-VEGA)_

(05-33)

MR. ARGENIO: 339 Blooming Grove Turnpike site plan amendment. This application proposes addition at the rear of the existing office building. The plan was previously reviewed at the 26 October, 2005 planning board meeting. If there's somebody here to represent this, please step forward, give us your name for the record and tell us what you want to do.

MR. COPPOLA: I'm Anthony Coppola representing Michele Winchester-Vega. We were here in October last year 2005, we were quickly referred to the zoning board for a couple of different variances which I'll go through in November and successfully received those variances in December. Basically what we're doing is for my Michele there's an existing medical office building on the corner of Ceasar's Lane and New York State Route 209--

MR. VAN LEEUWEN: 94.

MR. COPPOLA: I'm sorry, 94, we're proposing a one story 765 square foot rear yard addition and then the associated site improvements that go along with that. The variances that we received basically are for the, this is a front yard setback here along Caesar's Lane, 25 foot is proposed, I think 40 is what's required. Developmental coverage we received a variance for. We had the zoning board look at parking, basically we've done a whole breakdown on parking, the gist of the parking breakdown was it was a non-conforming situation before but we're no more non-conforming now, in other words, we're adding basically the spaces that the addition is requiring but along the lines of parking, we're basically closing off the entrance on Caesar's Lane that enables us to get a few more parking spaces

around the corner. And we, the last variance we got was a sign variance, she wanted a slightly larger sign than the code allows for, sign is shown on the plan and shown on the detail. But basically, what we're proposing here like I said is a one story addition that's going to be three new offices inside the addition in the rear, a new handicapped bathroom and expansion of her waiting room, this addition will be all on an accessible level, she has a ramp in the front here. In terms of the site improvements we're basically starting out in front, we're widening the existing entrance that requires DOT approval which we do not have, I have not gotten a letter from the resident engineer, even though I've called her several times, but I still don't have that but the entrance is probably about 18 feet wide now, we're widening it I think 24 feet so that two cars can pass. As I said before, the parking lot is basically all here right now, if you look this jumble of lines there's a line that curves around here that shows where this existing parking lot is, the existing edge of pavement that's being removed, so you have pavement at this entrance that's being removed, pavement here that's being removed and got new edge of pavement here and then there's a little bit of an expansion here which you can see from the two different lines where it is and where we're proposing it to be. With that removal of the entrance along Caesar's Lane we're doing some landscaping there, there's ornamental trees and shrubbery that's shown and that's per the landscaping schedule here, we're not really providing any screening over there and just basically landscaping. In terms of the drainage right now they have two catch basins in the lot, they're small, shallow, old time catch basins, I don't even know if they have an outlet because I walked around the property, this is kind of a low point and I don't really see where they could possibly go, they don't empty out into any structures in the street, they may not go anywhere, so what we have shown on the drawings is a larger dry wall type of structure to

replace one of these, these are both connected and then we would basically follow through the course of construction. There's a note on the drawings that if they do find an outlet we're to be notified but right now it's kind of a bit of a mystery as far as where the water goes.

MR. ARGENIO: Does it go away?

MR. COPPOLA: Well, yes and no, they've had some problems with this because this is low and in the past this has flooded, so she asked me to improve it, we're improving it with a really large dry well structure that's all detailed so in terms of the volume of water that thing's going to be able to hold a lot more than this, you know, assuming there's no outlet.

MR. ARGENIO: Where is that going? Point to it on the plan.

MR. COPPOLA: It's right here.

MR. ARGENIO: That will be constructed in the parking lot?

MR. COPPOLA: Right and it's connected to here because there's, you can see but like I said, it might not go anywhere.

MR. ARGENIO: Go ahead.

MR. COPPOLA: So that's drainage. We're showing site lighting here, couple of site lamps, foot candles are shown there, we show the detail on the other sheet, basically a couple other things she'll have a rear entrance, there's a sidewalk to the rear sidewalk in the front with the ramp that remains, new parking over here, that's new, that's not there now.

MR. ARGENIO: Point to the new landscaping.

MR. COPPOLA: Well, all the, you can see the big bold letters here all that's new there's an existing tree here that we have noted an existing tree here but everything here is all new basically kind of along that edge.

MR. MINUTA: I see a marked improvement to the site but the question I have is with the lighting and are we going to have adequate lighting providing two poles in this location? We have extended the parking lot and the entrance area doesn't seem to be lit.

MR. COPPOLA: Well, the entrance area here?

MR. MINUTA: Well, the overall area for employee parking for the site and the entrance itself, in other words, we have lighting on the north and south side of the parking lot, I don't see anything where people will actually be walking.

MR. COPPOLA: Well, her entrances are lit so they're okay there, we could add site light here, we can probably add one here, that's probably also a good point.

MR. MINUTA: It would help to even out the illumination of the lot.

MR. COPPOLA: That's a good suggestion.

MR. ARGENIO: Mark, are you on board with that?

MR. EDSALL: Yeah, to be honest with you, I wanted to get input from you folks cause this is in a commercial area but is more of a residential nature, it's an existing site, there's really the parking lot is almost identical in size to what was there so I'm glad to hear you giving some suggestions.

MR. MINUTA: I'd like some more illumination, we can screen that from any neighboring properties.

MR. EDSALL: The fixtures that he picked are very appropriate for this type of use, would it make sense where the 7 foot 6 dimension near the walkway and two spaces to add one there, is that where you were looking?

MR. MINUTA: Yes, within that area I think that would be good.

MR. EDSALL: So the three would do it you think? I agree.

MR. COPPOLA: He's saying one over here too.

MR. EDSALL: On the end?

MR. MINUTA: Sort of define if you can define the parameter of the property with the lamps that would be a good thing.

MR. COPPOLA: Yes, then you've got one basically at the four sides.

MR. SCHLESINGER: Dumpster?

MR. COPPOLA: I spoke about that with Mark, I don't think you want a dumpster for this type of property, if anything, we could note a Rubber-Maid two can enclosure.

MR. SCHLESINGER: I'm not sure what you mean for this type of property?

MR. COPPOLA: Well, I don't think it generates as much waste that would require a dumpster, they'd be putting their trash in cans, so I don't think you want a dumpster enclosure is what I'm saying.

MR. ARGENIO: So your plan will have a note that says there will be no dumpsters on this site?

MR. COPPOLA: Well or I could--

MR. SCHLESINGER: If you don't want to have a dumpster, I don't know whether there's a code that says you have to have a dumpster, I think relative--

MR. EDSALL: I looked at it from the standpoint that this site as it exists now doesn't have one and they shred a lot of the records as medical records and whatever, if it was a medical site that had medical waste, that doesn't get thrown in the dumpster anyway.

MR. SCHLESINGER: What about some sort of enclosure for the garbage cans?

MR. COPPOLA: We'll show that, it's probably going to be here, they can come out and put it there, we'll just, it's going to be like a Rubber-Maid.

MR. SCHLESINGER: From an anesthetic point of view so nobody has to look at it, the wind blows off the top of the garbage cans.

MR. MINUTA: Town pickup?

MR. VAN LEEUWEN: Yes.

MR. SCHLESINGER: I had another question, Mark, is there a difference between employee parking and customer parking?

MR. EDSALL: There isn't but in this particular case because the two spaces to the left are the least preferred spaces to have people go in and out of we asked them to use those as the employee spaces cause they would be pretty much parked and stay there cause

you're backing in and out in front of the access.

MR. SCHLESINGER: I understand what you're saying theoretically that never happens though.

MR. EDSALL: Well, we can only hope.

MR. SCHLESINGER: You understand what I'm saying, I mean, I make my employees park somewhere else because they're going to park wherever is convenient for them, if you were the owner of the business you would turn around and say I'm going to park there because I don't want anybody else to have a problem.

MR. EDSALL: And you do have at least two professional owners that are there so it's a good chance that they may very well take those two and other employees will park someplace else, they seemed willing at the workshop to say that would make sense that we park there, that's why we were kind of nudging them in the direction.

MR. SCHLESINGER: It's legitimate parking spots regardless of who parks there?

MR. EDSALL: Correct.

MR. SCHLESINGER: We just would like the employees to park there.

MR. VAN LEEUWEN: Is this going to be put on a slab?

MR. COPPOLA: No, actually, you can see there's going to be a crawl space up in the back, there's a basement, it's a split level house, there's a basement underneath here.

MR. VAN LEEUWEN: I know the property.

MR. COPPOLA: This will be a crawl space in the rear.

MR. VAN LEEUWEN: How high?

MR. COPPOLA: Above grade probably three feet, I've got an elevation here so--

MR. VAN LEEUWEN: Just want to see, don't want to see that become offices.

MR. COPPOLA: It has to be accessible, by the way, you're worried about the basement, no.

MR. SCHLESINGER: Three feet above grade you need some sort of handicapped ramp.

MR. COPPOLA: The ramp is in the front, the front of the office is accessible, the front door is accessible so--

MR. VAN LEEUWEN: Because it's ground level.

MR. COPPOLA: It's a flush floor, the ramp curves in.

MR. ARGENIO: Who polices that ADA requirement, do you do that?

MR. BABCOCK: Absolutely.

MR. ARGENIO: So even if it's not shown on the plan through some oversight that the planning board should miss it you're sure to see that there's, it's ADA compliant?

MR. BABCOCK: Yeah, we pretty much get it.

MR. ARGENIO: Did this applicant have a public hearing at the zoning board?

MR. BABCOCK: Yes, absolutely.

MR. ARGENIO: Andy, you were there, Mike was there, somebody was there, did anybody come?

MR. COPPOLA: I knew you were going to ask that, I don't remember anybody coming to be honest.

MR. KRIEGER: I don't think so.

MR. ARGENIO: Because we have to make a determination on that here tonight, I want to go through some procedural things, I'll accept a motion that the New Windsor Planning Board take lead agency on this application.

MR. MINUTA: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board take lead agency on the Blooming Grove Turnpike site plan. If there's no further discussion, I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. ARGENIO: They have been referred to DOT, Mark, they're going to have to get a permit for that?

MR. EDSALL: Yeah.

MR. BABCOCK: We can handle that.

MR. EDSALL: I look at this one as a not a unique case but a case where it's a ministerial action, there's

already a driveway there, all they're looking to do is square it off and clean it up, I don't think this is an issue of is the DOT going to agree to put it there.

MR. ARGENIO: I agree, it's been referred to Orange County Planning and they have told us to make a local determination, under SEQRA, in my opinion this is a minor impact, anybody agrees with me, I'll accept a motion that we declare negative dec for this application.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for 339 Blooming Grove Turnpike site plan. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Now I'm going to leave it to you guys about the public hearing. Neil, Howard, Joe, Henry, they had a public hearing at the zoning board and you heard what the people on the dais their response was about the public hearing.

MR. VAN LEEUWEN: Waive public hearing.

MR. ARGENIO: What's your guys' opinion of it? I'd like to know what everybody's opinion is.

MR. MINUTA: I'm open to waiving it.

MR. BROWN: Yes.

MR. MINUTA: Make a motion we waive the public hearing.

MR. VAN LEEUWEN: Second it, it's not a big deal.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board per its discretionary judgment waive the public hearing on 339 Blooming Grove Turnpike site plan amendment. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Just I should say this I'm a big fan of public hearings because, you know, especially if it's not going to hold the applicant up.

MR. VAN LEEUWEN: I'm not.

MR. ARGENIO: I am Henry because you'll find one day it will keep you out of the soup and I don't cook well.

MR. VAN LEEUWEN: I don't either.

MR. ARGENIO: Mark, there's some--

MR. EDSALL: Comments are very minor.

MR. ARGENIO: I do have one question for Mr. Coppola, though, the side yard, the side yard values in the bulk table are still wrong as previously noted, the required

values are 20-40, why would they still be wrong? That implies that it's been discussed with you.

MR. COPPOLA: I see it's 40, we have a 45 foot on the bulk table and with the side yard we have 20 and 20 plus.

MR. ARGENIO: I understand, I'm asking you why they're still--

MR. COPPOLA: I wish I had a better answer but we'll correct that.

MR. ARGENIO: You've got the message?

MR. COPPOLA: Yes.

MR. ARGENIO: I think these bullets are minor.

MR. EDSALL: They're very minor.

MR. ARGENIO: Paving detail it's an issue of pictorial issue with the spacing count and that note on the--

MR. EDSALL: And we've got the bond estimate and my comments as you indicated are very minor, I would say you have mine plus the two fixtures, light fixtures that were identified during the review.

MR. MINUTA: I have a question.

MR. ARGENIO: One second, Joe, just one second, one thing I don't have up here Mark I don't have anything from the highway superintendent or fire guy, do we have any issue with that?

MR. EDSALL: Well, I don't think you're going to have a problem with the highway superintendent because we're eliminating an access.

MR. ARGENIO: What about the fire marshal?

MR. EDSALL: Fire--

MR. BABCOCK: You should get it before you stamp the plan.

MR. EDSALL: I don't anticipate a probably but should have it on record.

MR. ARGENIO: I think you're right, that's a pretty minor thing here but certainly it should be subject to that. Okay, I'm sorry, Joe, go ahead.

MR. MINUTA: I'm looking at this, we see edge of existing pavement to remain and then edge of the pavement, we're not doing curbing or wheel stops here.

MR. COPPOLA: There's probably wheel stops on the detail cause it's just precast.

MR. MINUTA: Thank you.

MR. ARGENIO: Anthony, one other thing so I don't have to go through and digest these plans, you have prescribed one of those catch basin traps where the water percs into the soil, is that right?

MR. COPPOLA: That's correct.

MR. ARGENIO: That will be installed?

MR. COPPOLA: Yes.

MR. ARGENIO: This area of Town is very conducive to this because unlike where I live out in and Neil lives out in Station, this is all sand and gravel, is that right?

MR. EDSALL: That's correct, just about the site plan

in this area, this configuration Anthony has put on a notation if they run into a pipe, he finds out about it, he's already agreed that if he finds something he'll let me know, we can always re-evaluate it.

MR. ARGENIO: If nobody has anything else, I'll accept a motion for final approval subject to the things that I'll read in.

MR. MINUTA: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the 339 Blooming Grove Turnpike site plan subject to the following, some cleanup of some notes on the plan, i.e., side yard value tables still incorrect, but Mr. Coppola is going to correct that, indication of number of parking spaces provided on the plan should be corrected, Mr. Coppola will correct that, he will also provide us with an acceptable pavement detail to Mark and we'll leave it with Mark to tie that down, you're going to have to get together with Mark and get a bond estimate, Mr. Coppola and Mike, you'll see to it that this gets to Mr. McDonald and you guys or Myra you'll take care of that?

MS. MASON: Yes.

MR. ARGENIO: Okay, if there's no further discussion.

MR. EDSALL: Two light fixtures being added.

MR. ARGENIO: Two light fixtures.

MR. EDSALL: Before the building permit gets issued they would need to have the permit from the DOT.

MR. ARGENIO: And you're going to have to do something

for us, Mr. Coppola, for those garbage cans inasmuch as it's a commercial establishment and Mike we'll leave that with you. Neil, you don't have a problem with that? You brought that up.

MR. SCHLESINGER: No.

MR. ARGENIO: Okay, if there's nothing further, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Good luck.

MIDDLE_EARTH_SUBDIVISION_(03-22)

Mr. James Clearwater and Mr. Drew Kartiganer appeared before the board for this proposal.

MR. ARGENIO: Application proposes subdivision of the 96 plus acre parcel into 26 single family lots, this is out on Station Road, folks, right at the top of the hill. The plan was previously reviewed at the 23 July, 2003 meeting, the 25 February, 2004 meeting, the 14 April, 2004 meeting, the 26 May, 2004 meeting, the 23 June, 2004 meeting, the 22 September, 2004 meeting, and the 13 October, 2004 planning board meetings. This project is in front of the planning board for final approval. Lot going on there, wouldn't you say?

MR. VAN LEEUWEN: Yes, I know exactly where it is too.

MR. ARGENIO: Mr. Clearwater, why don't you, I mean, we've seen this as I've indicated quite a few times and this is right in Neil's back yard and my back yard and we're grateful for the fact that it appears you're doing this right and you've dedicated that section of those few lots on the top of the hill so we don't have to look at the houses when we drive home, so why don't you bring us, I don't want to review the whole thing because we've seen this many times, I want you to bring us up to date as to where you've been since 13 October, '04, that's over a year ago. So let us know if there's any other highlights, let us know that as well.

MR. CLEARWATER: All right, we received preliminary approval at that time and of course being a major subdivision needed health department, Orange County Health Department approval for all the well and septic which we proceeded through the health department and after numerous reviews with the health department we received approval in September of last year of '05. Since then we have concurrent with that we also received from the Army Corps of Engineers the approval

for the wetlands delineation, what's called the jurisdictional determination, as well as approval for the two wetlands crossings and the mitigation in other words the creation of half an acre of new wetlands to replace the quarter acre of wetlands that's being disturbed. The two wetlands crossings are one on each of the roads narrowest point of the wetlands here the wetlands creation will be in the back adjoining additional wetlands, Federal wetlands in the back. Following health department approval we have, we're back here for final.

MR. ARGENIO: You have health department?

MR. CLEARWATER: Yes, we prepared the documents for the formation of a water district because of the detention pond that's required for storm water management and the various different catch basins and drain pipes and whatnot to collect the drain water. Also we have prepared the descriptions for the offers of dedication for the roads because these are public records and the storm water pollution prevention plan has been reviewed by McGoey, Hauser & Edsall and as Mr. Chairman said we're here for final approval conditioned on whatever the board may feel is necessary.

MR. ARGENIO: I can come up with a lot of things, believe me, you don't want to leave it in my hands. I have a couple of questions, I have a couple things I want to go through. There's a couple lots in the back that Town resident was concerned about were close to septic field, was close to the wetlands, I know you have Department of Health approval, can somebody just elaborate on that?

MR. KARTIGANER: These two lots?

MR. ARGENIO: Without killing me with it.

MR. CLEARWATER: Yes, these two lots are encumbered by

Federal wetlands and health department looked at both those lots because of that health department when you submit to the health department they pick which lots they want to see soil tested on, they don't pick all the lots, just pick the ones they figure we're going to have difficulty with, both of those lots were reviewed by the health department for deep test holes and percolation tests.

MR. ARGENIO: They coincidentally happened to fall into their sample?

MR. KARTIGANER: They picked them specifically.

MR. CLEARWATER: And both lots passed fine.

MR. ARGENIO: Okay.

MR. SCHLESINGER: Didn't you have a question on who supervises those tests?

MR. ARGENIO: Yeah but that was on our level, on a Town level, Neil, typically in the west end of Town we have one of Mark's guys go out there and witness a test, we don't take the engineers data because we found that in that area it's a typically a heavy glazier till and we want Mark's guys to witness them but this is health department, they did their own.

MR. EDSALL: We witness all perc and deep tests other than when it's health department.

MR. SCHLESINGER: So the health department approved these?

MR. CLEARWATER: Right, they came out.

MR. KARTIGANER: They came out and watched them.

MR. CLEARWATER: Two fellas came out.

MR. SCHLESINGER: Passed with flying colors?

MR. CLEARWATER: Yes, they did.

MR. ARGENIO: Passed, let's say passed, okay.

MR. VAN LEEUWEN: Unusual but okay.

MR. ARGENIO: You can get perc, you've got to work at it, it's a tossup. This project has been at 12 work sessions over 33 months and as I said has been at seven planning board meetings, New York State Office of Parks Recreation and Historic Preservation determines there's no impact, nationwide permit, Army Corps of Engineers, they have default approval, Orange County Realty Subdivision approval letter of acceptance 9/8 of '05 with an extension granted 1/5 of '06. I'm going to open it back up to the board so if you have questions we'll get to it. Orange County application predated OCDP 9/4 of '04 so the referral is not necessary for them. SEQRA has been done, Mark, tell me if I skip anything, cause I have a question about the public hearing business, preliminary public hearing was held on 6/23 opened and closed, accepted comments from the public, they have preliminary approval obviously cause that's how they got to the Department of Health, 911 is done, storm water management was reviewed by one of Edsall's guys, bond is done. Mark, I have a question, there's a comment here that says I recommend the board waive a final public hearing as per their discretionary judgment under Section 257, I'm not familiar with that, I've never seen that in ten years of--

MR. EDSALL: That's because it's a new part of the new subdivision regulations that the Town adopted when they rewrote all the laws.

MR. ARGENIO: Under what set of circumstances, I don't see the need to do that here, under what set of

circumstances would I want to do that?

MR. EDSALL: If there's a substantial change or enough changes of a minor nature that this board believes that there's a benefit to have a second public hearing when they're done with all the preliminary changes you have the opportunity again we're reserving the right to open it up again. It's a final public hearing.

MR. ARGENIO: Open it up again.

MR. EDSALL: You're not opening an old public hearing, there's two opportunities for a public hearing, point being is that probably on 95 percent of the applications and likely tonight you're going to come to the conclusion that there are no significant changes from what you granted preliminary approval to and you waive the final public hearing, it's another procedural step and I will endeavor not forget to since it's new.

MR. ARGENIO: Put it on here, I have enough problems remembering the old procedures.

MR. EDSALL: It's my suggestion that you waive the final public hearing because there's not a substantial change.

MR. ARGENIO: I couldn't agree more. You've seen this quite a few times. Henry, you're new, Howard, you're new.

MR. VAN LEEUWEN: All the wetlands are going to be part of the lots?

MR. CLEARWATER: Yes.

MR. VAN LEEUWEN: Well, you know, dumping areas, that's what I worry about.

MR. ARGENIO: I know.

MR. KARTIGANER: Make them all part of the lots.

MR. SCHLESINGER: Two questions, what's default approval?

MR. EDSALL: Explain the Army Corps' default approval and the contact they made with you telling you we're not going to respond.

MR. CLEARWATER: We applied to the Army Corps for permits that we needed.

MR. ARGENIO: This is good, Mr. Kartiganer, because we get an education and you get to pay for it. Go ahead, Mr. Clearwater.

MR. KARTIGANER: I've been paying a long time.

MR. VAN LEEUWEN: Is this your subdivision?

MR. KARTIGANER: Yes, it is.

MR. CLEARWATER: The wetlands disturbance is greater in area than what's in the nationwide permit, therefore, you needed to apply for what's called an individual permit that was applied for back a year ago, but there's a letter, actually, the work was done by ERS Consultants was the environmental and wetlands consultant who Mr. Kartiganer hired for this project. He summarized it in this letter, I'll just read succinct portions of it. This is from him addressed to, from David Griggs addressed to myself dated February 8, 2006, this is in regards to a pre-construction notice that was submitted to the U.S. Army Corps of Engineers under nationwide permit 39 for a proposed residential subdivision in Middle Earth Development, ERS Consultants previously submitted pre-construction notice on October 19, 2005 in support of, authorization from the department under nationwide

permit 39 for approximately one quarter acre of wetlands disturbance and creation of approximately half acre of wetlands. Nationwide permit condition 13 allows unless the Army Corps responds within 45 days then you have your permit by default, I'll paraphrase here, because we didn't hear from them and it was as discussed with representatives of the Army Corps on November 15, the Army Corps reviewed the permit request and mitigation plan stating that the permit request was complete and the mitigation plan appeared adequate. Additionally, they stated that in order to save time, they would allow us to proceed under nationwide permit condition 13 after 45 days has transpired. ERS Consultants has not received any comments from the Army Corps in the 45 days since the agency received the notification, as a courtesy ERS Consultants issued a letter to the Army Corps on December 8, 2005 stating that the project will move forward as planned, as such, this project therefore has authorization to proceed under federal program to proceed, may be modified, suspended or revoked only in accordance with the procedures set forth in 33(C)(F), dah, dah, dah.

MR. SCHLESINGER: Therefore, I interpret it as pretty much it says you received approval by default, did you ever get any sort of notification from the Army Corps of Engineers at a later date?

MR. CLEARWATER: No.

MR. KARTIGANER: He met them on another project, showed them the mitigation procedures, he said it looks fine, he said we can let you do the 45 days.

MR. SCHLESINGER: Whatever it was, I'm satisfied with the answer. The other question I had, I'm assuming that we got highway approval here?

MR. CLEARWATER: Yes.

MR. SCHLESINGER: There was no--

MR. ARGENIO: Mark, wait a second, let me address that, I'm going to look to Mark before it goes where I think it's going tonight to discuss highway because I do not have a highway approval up here, we'll discuss it with Mark and Mike.

MR. SCHLESINGER: I don't know why it's been a long time and a lot of times and I don't want to be confused. I thought that maybe there was a highway issue.

MR. ARGENIO: I don't recall one with this. Mark, do you recall one? The issue I remember was an issue of a street light on Station Road, some of the residents didn't want it.

MR. EDSALL: There was an issue of the grades on the side of the road, the new portion of the road coming on to the site, I know that the current highway superintendent had been at the workshop and really didn't find any objection so again since we don't have something in writing it should be subject to him giving a written writeoff.

MR. ARGENIO: But you can make the statement that he was at a workshop with you and he did not voice any major exceptions to what was going on here.

MR. EDSALL: He did not, and in fact, the prior highway superintendent his concern was one of the side grading which in fact we looked at and they made some changes but it meets the law in either case so I'm not aware of any problem, we should get a writeoff.

MR. SCHLESINGER: What was the determination on the lighting that was an issue too?

MR. ARGENIO: Go ahead, Mark?

MR. EDSALL: Lighting is flexible in the code in the fact that there are typical spacing but it also says that it can be less if the highway superintendent and the engineer agree when in fact we have cut it down to I think a total off 6 fixtures total in the subdivision and two of them are at on poles out at existing roads that are in fact at the intersections of the two Town roads.

MR. SCHLESINGER: There are lights on the existing road?

MR. EDSALL: Not at the locations of the intersections but they're actually adding a fixture to an existing pole.

MR. SCHLESINGER: So there will be lighting at the intersection?

MR. CLEARWATER: Right.

MR. SCHLESINGER: I just remember that there were pros and cons as there are always when we have a lighting issue, the country people don't want lighting, the city people want lighting and everything and you don't have a lot of lighting down below then.

MR. CLEARWATER: No, there's--

MR. SCHLESINGER: I don't think because of the grade and because of the topo here I don't think it's that much of an issue for the neighboring people.

MR. CLEARWATER: That's correct.

MR. SCHLESINGER: I'm not even going to be able to see a house, how am I going to be able to see the lighting? So it's an internal thing that, you know, you want to create within the little development there.

MR. CLEARWATER: There's 6 lights, one at each of the entrances on station.

MR. ARGENIO: Then four in the development.

MR. CLEARWATER: One halfway down the two new roads, one at the intersection between here and Brandywine and the other down at the cul-de-sac.

MR. SCHLESINGER: I didn't finish looking, the sidewalk issue is solved?

MR. CLEARWATER: Shows sidewalks on one side of each street. If I may speak to the highway superintendent, I met with him on several occasions here, he never had, this is Mr. Kroll.

MR. ARGENIO: Kroll or Fayo?

MR. CLEARWATER: Kroll, he never had a particular issue with these two entrances and he did issue a form letter to the Town because I have a copy of it, I didn't bring it tonight.

MR. ARGENIO: Mr. Clearwater, notwithstanding that he's not the highway superintendent now, Anthony Fayo is, so we're going to in any event we're going to look to him, that's the way that is. Joe?

MR. MINUTA: Lighting just to touch base on this you're not providing a lot of lighting essentially to preserve the darkness, is that what I'm hearing?

MR. CLEARWATER: Yes, that's positive, especially in this part of Town.

MR. ARGENIO: Mr. Brown, any thoughts on this?

MR. BROWN: No.

MR. ARGENIO: I know there's a lot going on here and you're a new member but we have reviewed this and reviewed it and then we reviewed it again then we reviewed it four more times after that. Hank?

MR. VAN LEEUWEN: I got no problems, I asked you a couple questions here and there.

MR. SCHLESINGER: I don't think we made the motion but I don't think there's a necessity to have another public hearing.

MR. ARGENIO: I was going to ask Mark or Andy do we have to make a motion to waive that?

MR. EDSALL: I think it should be on the record.

MR. SCHLESINGER: Motion that we waive the public hearing.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that we waive the final public hearing for the Middle Earth subdivision on Station Road. No further discussion from the board members? Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. ARGENIO: All of our procedural stuff is done as far as I can see. Mark, have I misspoke?

MR. EDSALL: No, I think my comments 6 if you add the

highway superintendent.

MR. ARGENIO: And I have number 4 too which I'll read an abbreviated version into the minutes, if you don't mind, unless there's something else? There's no further discussion from the board members if anybody has no further comments we've seen this quite a few times, I'll entertain a motion for final approval for Middle Earth subdivision on Station Road.

MR. VAN LEEUWEN: I'll move it.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board grant final approval for Middle Earth subdivision on Station Road in the west end of Town. It's going to be subject to the following, Mark, if I miss something, let me know. I think I have it, though. It's subject to final highway approval by the highway superintendent, Anthony Fayo, it's subject to the five bullets in note 4, very, very minor notes to be added to the plan, note on C 9 revising a detail, another note on C 9 cleaning up the slope of the crown of the road, I don't know why that's still there, that should be done by now, but that's not an issue, another note on drawing C 9 looking for 4,000 pound concrete in these curbs, a correction on, minor correction catch basin detail and I need that typical sidewalk detail also using the 4,000 pound concrete, that's those items I just read are going to be worked out with Mark and we will not sign those plans until Mark has assured the secretary that those items have been included in the plans, make sure you get DOH to stamp it, very important to me is that restrictive covenants up on those lots on the top I don't want to see any sheds there, nothing, trees and bushes, that's it, no built wood structures. Mark?

MR. EDSALL: Yeah and you'll note that my bullet is

asking that they provide the attorney for the planning board with a copy to review the restrictive covenants.

MR. ARGENIO: Got that? No structures in that zone, plantings, no pools and chicken coops.

MR. SCHLESINGER: Who's responsible for maintaining that?

MR. ARGENIO: Mark or Mike would you address that? I know we talked about this, Neil.

MR. BABCOCK: It's a deed restriction, it's the people that live there.

MR. ARGENIO: It's automatically enforced, if you drive by there and go ahead--

MR. SCHLESINGER: No, what I'm trying to say from an aesthetic point, you know, and not supposed to have any sheds, no structure, anything like that, what about landscaping?

MR. EDSALL: You're not supposed to disturb it, supposed to stay natural.

MR. SCHLESINGER: So it's just natural if there's pricker bushes, there's pricker bushes, grass, there's grass.

MR. EDSALL: Yes, I believe the format that they discussed.

MR. SCHLESINGER: Somebody can't come up with an idea I'd like to have a nice back yard all grass and everything like that up to a certain point, fine, after the certain point, restricted area, they can't touch?

MR. EDSALL: They say if a tree is dead, they have the ability to remove a dead tree, other than that, leave

it alone.

MR. ARGENIO: Drainage district formation must be completed, obviously, the dedications and the fees and stuff. Motion has been made and seconded. If there's no further discussion from the planning board members, I will solicit a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

SHADOW_FAX_RUN_SUBDIVISION_(03-23)

Mr. James Clearwater and Mr. Drew Kartiganer appeared before the board for this proposal.

MR. ARGENIO: Major subdivision on Jackson Avenue. We've seen this quite a few times too but this in a different state of completeness than the one we just saw. The application proposes subdivision of the 70 plus or minus acre parcel into 22 single family residential lots. The plan was previously reviewed at the 23 July, 2003 meeting, 25 February, 2004 meeting, 12 May, 2004 meeting, 9 March, 2005 meeting, 25 May, 2005 meeting and 27 July, 2005 planning board meetings. Mr. Clearwater, I assume you and Mr. Kartiganer are here to represent this?

MR. CLEARWATER: Yes.

MR. ARGENIO: Please tell us where you're at, where you've been, I know there's a lot of stuff spinning with this, so I don't want to, we should rehash for the benefit of the new members in an abridged fashion because we've talked about this where you've come from and where you are right now. Would you please do that?

MR. CLEARWATER: Sure, originally, it was 21 lots, it's actually 19 now, this site plan shows 19, as originally proposed, we proposed entrance to the site in the location as shown on this plan, the former highway superintendent, Henry Kroll, didn't want the entrance here, he wanted the entrance further to the north opposite where Mr. and Mrs. Lau have their house, the idea being that the road could be constructed at that location and would be done without any improvements to Jackson Avenue to facilitate sight distance. We propose the road entrance in the location shown here because at that point we're crossing the wetlands at the most narrow point which is what's required by the DEC and the Army Corps of Engineers, however, the

rise and there was a concern with the sight distance.

MR. CLEARWATER: We moved the entrance to this spot at the request of Mr. Petro.

MR. MINUTA: That's been addressed with this plan.

MR. CLEARWATER: Right, we've had the actual entrance in a couple different locations in this area, crossing the wetlands has always been a question.

MR. SCHLESINGER: Further clarification the last time you were here, correct me if I'm wrong, that first of all did we have a public hearing?

MR. KARTIGANER: You had a public hearing started.

MR. SCHLESINGER: Started and what I don't think the public hearing started but I think that at the last minute there was a change of plans and we said that we can't have a public hearing when you're just bringing us a change of plans at that time.

MR. KARTIGANER: Correct.

MR. SCHLESINGER: Now the plan, the last plan that I saw is this different than the last plan I saw?

MR. CLEARWATER: Yes.

MR. SCHLESINGER: And what's the difference, is the entrance, the road from the wetlands to Jackson Avenue right has been altered a little bit, is that correct?

MR. CLEARWATER: No, no, the actual entrance, the intersection is in the same, it's changed the number of lots from 21 to 19.

MR. SCHLESINGER: No, that's not my question, right where your fingers are now, is that the same as it was

the last time we were here?

MR. CLEARWATER: Yes.

MR. SCHLESINGER: But to me that was a major and significant issue and that was the issue of why we didn't have the public hearing and I thought that there was going to be a change in the plan so that we could proceed.

MR. KARTIGANER: If I may, the public hearing was actually opened and we presented it and we had to step back from it because we didn't have DEC approval for the layout.

MR. ARGENIO: Can I interrupt for one second? Then I'll let you finish. Are you going in a direction where you want to suggest that we have another public hearing for this, is that where you're headed because I agree with that?

MR. SCHLESINGER: I may.

MR. KARTIGANER: What happened was there were, we were continuing refining the layout to access onto Jackson Avenue and we had Mr. Kroll had a number of concerns primarily sight distance and the other concern was the area that he'd have to maintain in order to maintain the sight distance and we revised it one more time from the time we submitted for public hearing and to the time when we were presenting for public hearing, so we actually minimized those triangles of Town responsibility for control. In the site this is the best most optimum plan, this was the last one we were trying to present that caused the confusion.

MR. SCHLESINGER: But it hasn't changed since the last time.

MR. KARTIGANER: Location and everything else is the

same, it's the same location.

MR. SCHLESINGER: Has it been presented to the Highway Department?

MR. KARTIGANER: I went out, talked to Mr. Fayo, we showed it to him, he's given a letter that he said and I had a copy of it that he's accepted this as the location, that is acceptable to him.

MR. SCHLESINGER: So he has officially approved the sight distance and this layout?

MR. KARTIGANER: Yes.

MR. SCHLESINGER: Okay.

MR. ARGENIO: Neil, I have a note which I was going to get to that we do have highway approval on option road location Option A and I'm sure Mark would elaborate on that when we get to it.

MR. SCHLESINGER: Now, you also started to say there was another issue as far as the lots?

MR. CLEARWATER: Yes, if we go way back to the beginning when we first started in 2003, we had a request of the New York State DEC to come out and delineate and flag the limits of their jurisdictional wetlands which they did and this is basically see the wetlands on the south end of the site, the other wetlands were all Army Corps wetlands. Procedurally what you do you submit to both the Army Corps and to the DEC maps showing the surveyed line that they delineated, we submitted the map to the New York State DEC and a year and a half later they came back and said we want to control not just wetlands that we flagged but also the Army Corps wetlands and call that DEC wetlands also. The problem is as far as the layout was concerned was that New York State DEC wetlands they

also control an additional 100 feet as a buffer, adjacent area is what the correct term, adjacent area, so, therefore, all the Federal wetlands that had buffer previously had no buffer previously which meant the layout had to change and we lost two lots and they also requested of us that prior to coming back here that they look at the sketch plan, this map, so that they would be conceptually acceptable, I think is what their term was with the layout, make sure that each, that none of the lots encroached into the buffer with back yards, everybody would have a sufficiently sized front or back yard to live with without potentially damaging--

MR. ARGENIO: Let me jump in here, Mr. Kartiganer, you were going to make a comment about the public hearing before?

MR. CARTIGANER: The public hearing we've had before the DEC had not signed off on the map and we thought they had one of the speakers had noted that it had not been signed off on when we found out that wasn't the case we thought we could close the public hearing, I have closed the public hearing, we expect to do another public hearing.

MR. ARGENIO: So you're expecting that?

MR. KARTIGANER: I fully expected that.

MR. ARGENIO: No question about it.

MR. KARTIGANER: I'm not asking for that, the reason we more or less I don't want to call it a do-over because it's the same plan with two less lots is that it's a revised and a little bit different plan and because of that it's subject to your review as it would be anyway.

MR. ARGENIO: On top of which there was a lot of controversy spinning around and you have been in front

of this board plenty of times and we try to be conservative and try to get the best information we can from the people because they're the ones that live there.

MR. KARTIGANER: We're not trying to hide anything, this is the only location that actually works.

MR. ARGENIO: We're going to, we have very limited latitude with this tonight as a planning board, Mark, I see we have not done lead agency coordination letter at this point, we did authorize the letter.

MR. EDSALL: Long time ago.

MR. ARGENIO: What are you guys looking for?

MR. KARTIGANER: If you can schedule us for a public hearing.

MR. EDSALL: Authorize it.

MR. SCHLESINGER: Make a motion to schedule a public hearing.

MR. EDSALL: At the last meeting I had suggested you close the public hearing and it was obviously brought to our attention by the applicant but my reasons for recommending it were to benefit the Town by virtue of the fact that I thought it was inappropriate that you have a public hearing that morphs itself through multiple plans.

MR. ARGENIO: Which everybody agreed with you.

MR. EDSALL: We need to recognize that there was no intent ever not to have another public hearing, another preliminary public hearing, in fact, we want to have a public hearing based solely on a single plan that isn't changing or it's multiples.

MR. ARGENIO: Not a moving target. I think I used that term at the meeting.

MR. EDSALL: So that's the point, this is a plan now it has changed and my suggestion is that you authorize the public hearing and that Myra and myself will make sure that the full set is available for the subdivision based on this layout before the public hearing is scheduled.

MR. ARGENIO: And you need to refund Mr. Steidle his \$58 that he spent to FOIL the plans.

MR. STEIDLE: I spent more than that.

MR. ARGENIO: You said 58 in the minutes, sir, and you got the wrong plans because the wrong plans are on file with Myra. Yes, that's in the minutes. I'll accept a motion we schedule a public hearing.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Secoond it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board schedule a public hearing for Shadow Fax Run. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. ARGENIO: That's as far as we're going tonight. Thank you.

GONCALVES/NORSEWOOD_PROPERTIES_LOT_LINE_CHANGE_(06-06)

Mr. Scott Buchholz appeared before the board for this proposal

MR. BUCCHOLZ: Evening, my name is Scott Buchholz, I work for Roger Ferris. What we have is we have four existing lots with one house on it, the one house is Tony Goncalves' house, Norsewood bought three lots from Tony, Tony's owned them for 20 some odd years now. So anyways, if Tony sold off each one of these lots separately each one of these lots had road frontage on Toleman Road, when the Town changed zoning, they increased the lot size, so what we have now is Tony sold the three lots to Norsewood, Norsewood has to increase the lot size, do a lot line change because he owns three consecutive lots. In doing that, we were also told by Tony that the Town did not want, you know, four separate driveway entrances. So what we're proposing is a private road, the two lots in the front, Tony's house lot and the lot to the left there were small one acre size lots, basically not very big, maybe 1.3 acres, we're increasing the lot on the right with the existing dwelling up to 81,000 square feet, basically, the lot on the left we're increasing that up to 3 acres in size so basically the lot in the rear lot 2 is going to be 3 acres and lot 3 is 6.4 proposing a private road.

MR. MINUTA: Can you just orient to me as to where we are on Toleman Road from the railroad trestle?

MR. BUCHHOLZ: From the railroad treasure coming from 207 making a right on Toleman Road the railroad trestle is passed this I believe about a half mile going towards Washingtonville.

MR. VAN LEEUWEN: Can I ask you who's Tony?

MR. BUCHHOLZ: Tony is Tony Goncalves, he lives in the

existing house that's there.

MR. ARGENIO: So he's cutting this thing up and coming out with 4 lots, I see 1, 2, 3, 4 lots.

MR. EDSALL: It's 4 lots now, the 4 lots have multiple non-conformances with today's code.

MR. ARGENIO: So the lots are re-configured to conform with code?

MR. EDSALL: We end up with four driveways, the way it is now what they're doing is they're taking four non-conforming situations, adding a private road at their expense and creating four lots that meet zoning and take it down to one private road.

MR. MINUTA: Simplifying the plan.

MR. EDSALL: Yes but they're really doing the Town a favor by making the lots meet today's standards and I'm sure it helps them because the lots will be worth more but it's better for us as well.

MR. VAN LEEUWEN: Much better for us.

MR. ARGENIO: Let's take care of some housekeeping here. I'll accept a motion that we declare ourselves lead agency for this.

MR. SCHLESINGER: Motion made.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for Goncalves/Norsewood property lot line change. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. VAN LEEUWEN AYE
MR. MINUTA AYE
MR. ARGENIO AYE

MR. ARGENIO: As I said before I'm going to eat these words, I've always been a fan of public hearings, I don't know that it's necessary for this. Mark, is there something going on here or Mike something I don't know about?

MR. BABCOCK: It's being made better, every situation is being made better.

MR. VAN LEEUWEN: Make a motion we waive public hearing.

MR. MINUTA: Quick question, the wetland that's here, this is not an issue for this lot line change? The wetlands here that the road crosses am I reading this correctly?

MR. BUCHHOLZ: Yes, we had Pete Torgeson flag the wetlands on the site, Pete thought that it was a very good case for isolated wetlands, we're only disturbing about 900 square feet, well, under 1/10 of an acre.

MR. ARGENIO: What's the--

MR. EDSALL: Tenth of an acre so they're fine.

MR. MINUTA: I'll make a motion.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing on the Goncalves/Norsewood lot line change. Any

further discussion? Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. ARGENIO: So we waived the public hearing, we took lead agency, I believe this is, I'll accept a motion for negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for Goncalves/Norsewood lot line change. If there's no further discussion, I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mark, there's some things here for you and Andy, private road maintenance declaration, there's bond issue, there's 911, a review from the Town Highway superintendent is necessary, have you spoken to him about this?

MR. EDSALL: I have not but given the fact that you're not creating any new lots and this is being done in the

spirit where the applicant is spending money to make it better for us zoning wise, I don't know if you'd want to consider a conditional approval subject to those writeoffs.

MR. ARGENIO: I'd like to do that and I'd like to talk to Anthony to get a flavor for how he feels.

MR. EDSALL: I'm sure he'd rather have a private road than four driveways in one spot.

MR. ARGENIO: Mark, any consequence to any of these? Seems as though everything--

MR. EDSALL: I can't imagine that anyone would object to this improvement.

MR. ARGENIO: Okay.

MR. EDSALL: But again, they'll have to write off on it.

MR. KRIEGER: Just one thing, note number 7.

MR. EDSALL: That should say attorney for the planning board, I'm sorry. That was my typo, I apologize.

MR. ARGENIO: Go ahead, you had something else?

MR. SCHLESINGER: Applicant's here for a lot line change, right, okay, go ahead.

MR. VAN LEEUWEN: Make a motion we approve.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board approve the Goncalves/Norsewood Properties lot line change. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. VAN LEEUWEN AYE
MR. MINUTA AYE
MR. ARGENIO AYE

MR. ARGENIO: Subject to Mark's bullets relative to the plan Andy which includes Andy reviewing that maintenance agreement and Highway Superintendent Fayo's approval. I'm going to address the last thing on the agenda but before I do, Mike, do you have anything else?

MR. BABCOCK: No.

MR. EDSALL: No.

MR. SCHLESINGER: Nothing.

MR. ARGENIO: Andy?

MR. KRIEGER: No.

MR. ARGENIO: Joe, how's your sidebar going?

MR. MINUTA: Sorry, Mr. Chairman.

DISCUSSION:

RPA_ASSOCIATES_-_CLUBHOUSE_&_POOL_AREA_STATUS

MR. ARGENIO: Mike, well, relative to RPA you guys don't know about this but I've got, all of the former members know about it, next meeting I'd like to get a precise status on where they're at, where the clubhouse, where they're at with the pool and precise and it would be great if we get it in the form of a letter from them, you see what you can do with that and I'm getting some complaints from some of the residents have called me as the new guy in the hot seat and asked me different things about curbs and sprinklers and things like that and I referred them to, that's really not us, is it?

MR. BABCOCK: No, that's all, they're conforming to the plan.

MR. ARGENIO: Motion to adjourn.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer